



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 1, 2022

BY ECF AND EMAIL

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Konrad Bicher*, 22 Cr 589 (LGS)

Dear Judge Schofield:

The parties write in response to the Court's order dated October 28, 2022 in the above-captioned matter, directing the parties to file a joint letter "proposing a schedule for discovery, the filing of motions, and three proposed dates for a status conference." (ECF No. 11.) The parties have conferred and propose the following schedule:

- The Government will produce discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure by Tuesday, November 15, 2022, with any Rule 16 discovery received thereafter to be produced on a rolling basis.¹
- Defense counsel will file any motions within 30 days, i.e., by Thursday, December 15, 2022.
- The Government will respond to any motions within 14 days, i.e., by Thursday, December 29, 2022.
- The parties are available for a status conference on January 24, January 25, or January 26, 2023.

In addition, the Government requests that the Court exclude time between today's date and the date of the scheduled status conference pursuant to the Speedy Trial Act, in the interests of justice, *see* 18 U.S.C. § 3161(h)(7), so that the parties may prepare, produce, and review discovery,

¹ On July 8, 2022, the Government obtained a warrant to search the cell phone seized from the defendant at the time of his arrest. The Government has explained to defense counsel that it will produce a copy of the warrant and supporting affidavit and a full copy of the defendant's phone by November 15. However, because of the time it took the Government to access and extract data from the phone, the amount of data on the phone, and a lengthy and ongoing privilege review, the Government has not completed its review of the phone and is unlikely to produce a set of identified data seized pursuant to the warrant by November 15. The Government is working expeditiously to complete its review of the phone, and will produce the identified data set as soon as practicable.

Howard Schumacher, Esq.
Daniel Rosenberg, Esq.